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G. Thomas Athens

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EXAMINER

MURDOUGH, JOSHUA A

ART UNIT

PAPER NUMBER

3609

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/606,507             | ATHENS ET AL.       |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Joshua Murdough        | 3609                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/26/2003, 5/15/2006</u> .                                    | 6) <input type="checkbox"/> Other: ____.                          |

Art Unit: 3609

## **DETAILED ACTION**

### ***Specification***

The claim heading is objected to because of the following informalities: It reads "What i Claim d is." The Examiner believes this was intended to read, "What is Claimed is."

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 39 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It claims a report that may contain only one register value with two distinct limitations on what that data is to be. It is unclear if it is intended to show two separate register values, thus making the claim to two or more, or if the intent was that the one value now has to be the total piece count instead of the ascending register value. The Examiner has interpreted this limitation to require the two separate register values specified.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

Art Unit: 3609

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 10, 11, and 33-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Leon (2,424,954).

As to claim 1, Leon shows:

A method for a value dispensing device to process usage data for an audit period comprising:

110b

generating a first audit record at a start of the audit period, (Figure 5F, 5214)

the first audit record including at least one register value at the start of the audit period (Figure 5F, 5214) (Column 18, lines 47-56)

and a first digital signature; (Figure 5F, 5214)

logging the usage data for the audit period; (Column 11, lines 59-61)

and generating a second audit record at an end of the audit period, (Figure 5F, 5214)

the second audit record including the at least one register value at the end of the audit period (Figure 5F, 5214) (Column 18, lines 47-56)

and a second digital signature. (Figure 5F, 5214)

If done properly, an audit at the end of one period should be identical to one at the beginning of the next. The corresponding functionality to assure that this is the case is shown in Figures 5F and 5F-2, steps 5210-5240. Therefore, it is shown through the use of periodic auditing that a similar report is issued at the beginning and end of the audit period.

As to claim 2, Leon further shows:

providing the first audit record, the second audit record, and the usage data for the audit period to a data center. (Figure 5F, 5216)

As to claim 3, Leon further shows:

the first audit record and the second audit record further include a time stamp. (Column 18, lines 47-56)

As to claim 4, Leon further shows:

the time stamp includes a date and a time. (Column 18, lines 47-56)

As to claim 5, Leon further shows:

the at least one register value in the first and second audit records includes a plurality of register values. (Column 18, lines 47-56)

Art Unit: 3609

As to claim 6, Leon further shows:

the at least one register value in the first and second audit records includes an ascending register value. (Column 99, lines 37-41)

As to claim 7, Leon further shows:

the at least one register value in the first and second audit records includes a total piece count register value. (Column 100, lines 44-47)

As to claim 8, Leon further shows:

the first and second digital signatures are generated utilizing a private key. 536

As to claim 10, Leon further shows:

providing the first audit record to a data center before the end of the audit period.

This is also inherent to the periodic auditing process. The first report would have been at the beginning of the audit period as the second report of the previous audit.

As to claim 11, Leon further shows:

the value dispensing system is a postage meter, (Abstract, line 1)  
and the usage data includes at least one of a total amount of postage dispensed during the audit period, a total count of mail pieces processed during the audit period, a piece count for different classes of mail processed during the audit period, and a piece count for each different postage amount dispensed during the audit period. (Column 100, lines 44-47)

As to claim 33, Leon shows:

A value dispensing system comprising: 110b  
means for generating a first audit record at a start of an audit period, (Figure 5F, 5214)  
the first audit record including at least one register value at the start of the audit period (Figure 5F, 5214) (Column 18, lines 47-56)  
and a first digital signature; (Figure 5F, 5214)  
means for logging the usage data for the audit period; (Column 11, lines 59-61)  
and means for generating a second audit record at an end of the audit period, (Figure 5F, 5214)  
the second audit record including the at least one register value at the end of the audit period (Figure 5F, 5214) (Column 18, lines 47-56)  
and a second digital signature. (Figure 5F, 5214)

If done properly, an audit at the end of one period should be identical to one at the beginning of the next. The corresponding functionality to assure that this is the case is shown in Figures 5F

Art Unit: 3609

and 5F-2, steps 5210-5240. Therefore, it is shown through the use of periodic auditing that a similar report is issued at the beginning and end of the audit period.

As to claim 34, Leon further shows:

means for providing the first audit record, the second audit record, and the usage data for the audit period to a data center. (Figure 5F, 5216)

As to claim 35, Leon further shows:

the first audit record and the second audit record further include a time stamp. (Column 18, lines 47-56)

As to claim 36, Leon further shows:

the time stamp includes a date and a time (Column 18, lines 47-56)

As to claim 37, Leon further shows:

the at least one register audit records includes a plurality of register values. (Column 18, lines 47-56)

As to claim 38, Leon further shows:

the at least one register audit records includes an ascending register value. (Column 99, lines 37-41)

As to claim 39, Leon further shows:

the at least one register audit records includes a total piece count register (Column 100, lines 44-47)

As to claim 40, Leon further shows:

the first and second digital signatures are generated utilizing a private key. 536

As to claim 41, Leon further shows:

the value dispensing device is a postage meter, (Abstract, line 1)  
and the usage data includes at least one of a total amount of postage dispensed during the audit period, a total count of mail pieces processed during the audit period, a piece count for different classes of mail processed during the audit period, and a piece count for each different postage amount dispensed during the audit period. (Column 100, lines 44-47)

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 12, 16-25, and 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leon in view of Schneier (5,956,404).

As to claim 9, Leon shows all of the elements except:

storing the first audit record in the value dispensing system.

Schneier shows the preservation of the data on both client and server side after each audit (Column 14, lines 20-30). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the invention of Leon to incorporate the record preservation of Schneier. This would allow for data recovery in case of tampering (Schneier, Column 14, lines 20-30).

As to claim 12, Leon shows:

receiving a first audit record, (Figure 5F, 5214)  
a second audit record and the usage data, (Figure 5F, 5214)  
the first audit record including at least one register value at a start of the audit period (Figure 5F, 5214) (Column 18, lines 47-56)  
and a first digital signature, (Figure 5F, 5214)  
the second audit record including the at least one register value at an end of the audit period (Figure 5F, 5214) (Column 18, lines 47-56)  
and a second digital signature; (Figure 5F, 5214)  
verifying the first and second digital signatures; (Figure 5F, 5218)

As previously noted, the reports are periodic and thus, the ending report of one period is also the beginning report of the next. For this reason the references for the first and second reports are the same. Leon does not show:

Art Unit: 3609

and if the first and second digital signatures verify, reconciling at least a portion of the usage data with the at least one register value included in the audit records.

Schneier shows the comparing of log data to audit data (Column 11, lines 43-53). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the invention of Leon to compare the log data to the audit data, as shown in Schneier. This would allow for verification of the transactions in the log (Schneier, Column 11, lines 43-53).

As to claim 25, Leon shows:

means for receiving a first audit record, (Figure 5F, 5214)  
a second audit record (Figure 5F, 5214)  
and the usage data, (Column 11, lines 59-61)  
the first audit record including at least one register value at a start of the audit period (Figure 5F, 5214) (Column 18, lines 47-56)  
and a first digital signature, (Figure 5F, 5214)  
the second audit record including the at least one register value at an end of the audit period (Figure 5F, 5214) (Column 18, lines 47-56)  
and a second digital signature; (Figure 5F, 5214)  
means for verifying the first and second digital signatures; (Figure 5F, 5218)

Again, it is noted, the reports are periodic and thus, the ending report of one period is also the beginning report of the next. For this reason the references for the first and second reports are the same. Leon does not show:

and if the first and second digital signatures verify, means for reconciling at least a portion of the usage data with the at least one register value included in the audit records.

As used for claim 12, Schneier shows the comparing of log data to audit data (Column 11, lines 43-53). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the invention of Leon to compare the log data to the audit data, as shown in Schneier. This would allow for verification of the transactions in the log (Schneier, Column 11, lines 43-53).



Art Unit: 3609

In respect to claims 16-18 and 20-24, Leon in view of Schneier as applied to claim 12 shows all of the elements, except as noted below.

As to claim 16, Leon further shows:

determining a difference between the at least one register value included in the second audit record and the at least one register value include in the first audit record; and comparing the difference with a register value included in the usage data. (Figure 5G-2, 5258)

As to claim 17, Leon further shows:

indicating an error in the processing of the usage data. (Figure 6F)

As to claim 18, Leon further shows:

the first audit record is received before the end of the audit period.

Again, this is inherent to the periodic auditing process. The first report would have been at the beginning of the audit period as the second report of the previous audit.

As to claim 20, Leon further shows:

the at least one register value in the first and second audit records includes a plurality of register values. (Column 18, lines 47-56)

As to claim 21, Leon further shows:

the at least one register value in the first and second audit records includes an ascending register value. (Column 99, lines 37-41)

As to claim 22, Leon further shows:

the at least one register value in the first and second audit records includes a total piece count register value. (Column 100, lines 44-47)

As to claim 23, Leon further shows:

the first and second digital signatures are verified utilizing a public key. 536

As to claim 24, Leon further shows:

indicating an error in the processing of the usage data. (Figure 6F)

Art Unit: 3609

In respect to claims 28 and 30-32, Leon in view of Schneier as applied to claim 25 shows all of the elements, except as noted below.

As to claim 28, Leon further shows:

means for determining a difference between the at least one register value included in the second audit record and the at least one register value include in the first audit record; and means for comparing the difference with a register value included in the usage data. (Figure 5G-2, 5258)

As to claim 30, Leon further shows:

the at least one register value in the first and second audit records includes an ascending register value. (Column 99, lines 37-41)

As to claim 31, Leon further shows:

the at least one register value in the first and second audit records includes a total piece count register value. (Column 100, lines 44-47)

As to claim 32, Leon further shows:

the first and second digital signatures are verified utilizing a public key. 536

In respect to claim 19, Leon in view of Schneier as applied to claims 9 and 18 show all of the elements.

In respect to claim 29, Leon in view of Schneier as applied to claims 9 and 25 show all of the elements.

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leon in view of Schneier as applied to claim 12 above, and further in view of Mosher (5,799,322).

As to claim 13, Leon in view of Schneier shows all of the elements of claim 12 and Leon further shows:

the first and second audit records each include a respective time stamp, (Column 18, lines 47-56)

Art Unit: 3609

Leon in view of Schneier does not show:

verifying the time stamp in the first audit record corresponds to the start of the audit period;  
and verifying the time stamp in the second audit record corresponds to the end of the audit period.

Mosher shows the verification of time stamps prior to accepting audit data (Columns 31-32, lines 66-8). It would have been obvious to one of ordinary skill in the art at the time of the invention to have further modified the invention of Leon to add time stamp validation, because this would further show that the data was valid for the audit period and not transactions outside of that time, as is done by Mosher (Column 32, 9-59).

As to claim 14, Leon further shows:

indicating an error in the processing of the usage data. (Figure 6F)

As to claim 15, Leon further shows:

the time stamp includes a date and a time (Column 18, lines 47-56)

Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leon in view of Schneier as applied to claim 25 above, and further in view of Mosher (5,799,322).

As to claim 26, Leon in view of Schneier shows all of the elements of claim 25 and Leon further shows:

the first and second audit records each include a respective time stamp, (Column 18, lines 47-56)

Leon in view of Schneier does not show:

means for verifying the time stamp in the first audit record corresponds to the start of the audit period;

and means for verifying the time stamp in the second audit record corresponds to the end of the audit period.

Art Unit: 3609

Mosher shows the verification of time stamps prior to accepting audit data (Columns 31-32, lines 66-8). It would have been obvious to one of ordinary skill in the art at the time of the invention to have further modified the invention of Leon to add time stamp validation, because this would further show that the data was valid for the audit period and not transactions outside of that time, as is done by Mosher (Column 32, 9-59).

As to claim 27, Leon further shows:

means for indicating an error in the processing of the usage data if one of , the time stamp in the first audit record or the second audit record does not correspond. (Figure 6F)

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Murdough whose telephone number is (571) 270-3270. The examiner can normally be reached on Monday - Thursday, 7:00 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3609

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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